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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,890	08/15/2001	Jong-Cheol Bae	678-671 (P9671)	9315

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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,890

Applicant(s)

BAE ET AL.

Examiner

Lisa Hashem

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-9-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request, made in the After Final Amendment filed on 12-9-2005, to withdraw the finality of the Final Office Action filed on 9-7-05 on the ground(s) that prior art do not teach the claimed invention is persuasive/convincing. Accordingly, the finality of the Office Action is hereby vacated. A new Office Action is set forth below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,377,664 by Gerszberg et al, hereinafter Gerszberg in view of U.S. Patent No. 6,449,498 by Kirbas et al, hereinafter Kirbas.

Regarding claim 1, Gerszberg discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) when a call is received in a phone (e.g. videophone; Fig. 1, 130) having a screen displaying function (col. 6, lines 39-43), comprising:
accepting a call on a phone, the call intended for a user (e.g. called party) (col. 9, lines 45-54);
determining whether today is a registered occasion date;
displaying a first predetermined image (e.g. standard greeting) for a screen on the phone for viewing by the user, if today is not the registered occasion date; and
displaying a second predetermined image for the screen if today is the registered occasion date to remind the user of the registered occasion date (col. 9, line 17 – col. 11, line 3).

Gerszberg does not disclose an idle mode screen displaying function and changing the first predetermined image to a second predetermined image.

Kirbas discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) in a phone (Fig. 2) having an idle mode (e.g. standby mode) screen displaying function, comprising (col. 2, line 40 – col. 4, line 11):
determining whether today is a registered occasion date (col. 2, line 65 – col. 3, line 52);
displaying a first predetermined image (e.g. default banner; Fig. 1, 14) for an idle mode screen on the phone for viewing by the user, if today is not the registered occasion date (col. 3, lines 53-61); and
inherently changing the first predetermined image (e.g. default banner) (col. 3, line 62 – col. 4, line 4) to a second predetermined image (e.g. unique banner (heart shape); Fig. 1, 13) if today is the registered occasion date to remind the user of the registered occasion date (e.g. wherein in the dynamic banner mode the default banner is displayed everyday if a calendar does not indicate a special date and if the calendar does indicate a special date then the default banner is changed to the unique banner).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Gerszberg to include an idle mode screen displaying function and changing the first predetermined image to a second predetermined image as taught by Kirbas. One of ordinary skill in the art would have been lead to make such a modification to display specific images on a screen of a phone during idle mode, wherein what image being displayed is determined on a registered occasion date. A first predetermined image (e.g. default banner) is always displayed in the idle mode and changed to a second predetermined image (e.g. unique

Art Unit: 2645

banner) on an occasion or special date (e.g. birthday, anniversary). A user is alerted of the occasion date when a call is received in the phone and the user looks at the display.

Regarding claim 2, the method of claim 1 mentioned above, wherein Kirbas further discloses:

designating a date selected by the user as the registered occasion date; and
registering an image selected by the user among idle mode screen images stored in the phone with respect to the registered occasion date (col. 3, lines 34-52).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2004/0014459 by Shanahan et al, hereinafter Shanahan.

Regarding claim 3, Shanahan discloses a method of alerting a user of an occasion date (e.g. birthday) in a phone (Figs. 5 and 6, element 20; Fig. 7; section 0022, lines 1-10) having an incoming call ring sound (e.g. ring sequence) alteration function (section 0045, lines 1-13), comprising:

- entering an occasion date registration mode (e.g. signature feature) on a phone;
- displaying an occasion date registration screen on the phone, the occasion date registration screen including a menu for the user to select an occasion date and incoming call ring sound (e.g. audio file);
- registering the occasion date;
- accepting a call on a phone, the call intended for a user;
- determining whether today is a registered occasion date;

Art Unit: 2645

setting a first predetermined ring sound as an incoming call ring sound on the phone if today is not the registered occasion date (e.g. playing a signature file based on the caller's telephone number); and

setting a second predetermined ring sound (e.g. audio file) is played, if today is the registered occasion date (e.g. a predetermined time) to remind the user of the registered occasion date (section 0044, line 1 – section 0045, line 13).

Shanahan does not disclose changing the first predetermined ring sound to a second predetermined ring sound.

However, Shanahan does disclose a user can program the phone so that certain signature files (incoming call sounds) can be played in response to receiving a call from a caller based on the caller's telephone number (e.g. setting a first predetermined ring sound as an incoming call ring sound on the phone if today is not the registered occasion date) and setting a certain signature file to be played at predetermined times (e.g. an occasion, birthday).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Shanahan to include changing the first predetermined ring sound to a second predetermined ring sound. One of ordinary skill in the art would have been lead to make such a modification to play a signature file (e.g. incoming call ring sound) according to a caller's telephone number all the time unless a certain day occurs, in which case a different signature file is played (e.g. 'Happy Birthday').

Regarding claim 4, the method of claim 3 mentioned above, wherein Shanahan further discloses:

designating a date selected by the user as the registered occasion date; and

registering a ring sound selected by the user among ring sounds inherently stored in the phone with respect to the registered occasion date (section 0025, line 1 – section 0026, line 21; section 0044, line 1 - section 0045, line 13; section 0051, lines 1-8; Figs. 5-7).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Kirbas.

Regarding claim 5, Gerszberg discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) when a call is received in a phone (e.g. videophone; Fig. 1, 130) having a screen displaying function and an incoming call ring sound alteration function (e.g. video with audio) (col. 6, lines 39-43; col. 7, line 66 – col. 8, line 23), comprising: accepting a call on a phone, the call intended for a user (e.g. called party) (col. 9, lines 45-54); checking whether today is a registered occasion date; displaying a first predetermined image for a screen on the phone for viewing by the user and playing a first predetermined ring sound as an incoming call ring sound (e.g. standard greeting; video with audio), if the today is not the registered occasion date; and displaying a second predetermined image and playing a second predetermined ring sound as the incoming call ring sound, if the today is the registered occasion date to remind the user of the registered occasion date (col. 9, line 17 – col. 11, line 3).

Gerszberg does not disclose an idle mode screen displaying function.

Kirbas discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) in a phone (Fig. 2) having an idle mode (e.g. standby mode) screen displaying function, comprising (col. 2, line 40 – col. 4, line 11): determining whether today is a registered occasion date (col. 2, line 65 – col. 3, line 52);

Art Unit: 2645

displaying a first predetermined image (e.g. default banner; Fig. 1, 14) for an idle mode screen on the phone for viewing by the user, if today is not the registered occasion date (col. 3, lines 53-61); and

inherently changing the first predetermined image (e.g. default banner) (col. 3, line 62 – col. 4, line 4) to a second predetermined image (e.g. unique banner (heart shape); Fig. 1, 13) if today is the registered occasion date to remind the user of the registered occasion date (e.g. wherein in the dynamic banner mode the default banner is displayed everyday if a calendar does not indicate a special date and if the calendar does indicate a special date then the default banner is changed to the unique banner).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Gerszberg to include an idle mode screen displaying function as taught by Kirbas. One of ordinary skill in the art would have been lead to make such a modification to display specific images on a screen of a phone during idle mode, wherein what image being displayed is determined on a registered occasion date. A first predetermined image (e.g. default banner) is always displayed in the idle mode. A user is alerted of the occasion date visually and audibly when a call is received in the phone.

Regarding claim 6, the method of claim 5 mentioned above, wherein Gerszberg in view of Kirbas further discloses:

designating a date selected by the user as the registered occasion date; and

registering an image and a ring sound (e.g. video with audio) selected by the user among idle mode screen images and ring sounds stored in the phone with respect to the registered occasion

Art Unit: 2645

date (Gerszberg: col. 7, line 66 – col. 8, line 23; col. 8, lines 49-59; col. 9, lines 17-54; Kirbas: col. 3, lines 34-52).

Response to Arguments

6. Applicant's arguments, see After Final Amendment, filed 12-9-2005, with respect to the rejection(s) of claim(s) 1-6 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejections above.

7. Examiner would like clarification on page 6, paragraph 2 in the After Final Amendment, wherein Applicant argues, '...When the call is accepted, and communication has been initiated, the inventive method determines whether the current date is a registered occasion date, and if it is, displays a corresponding image to remind the user of the registered occasion date...'. In the Specification, pages 5-6 starting at paragraph 3, the disclosure discloses when the power is ON, the MPU checks whether the designated occasion date falls on today. If not, the idle mode screen image and predetermined ring sound are set. If the day is an occasion day the usual idle mode screen image and ring sound are changed. There is no mention in the specification or Figure 3 of the instant application of determining a registered occasion date after a call is received. This is done before an incoming call comes in.

8. Accordingly, this action is **NON-FINAL**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2645

- U.S. Patent No. 5,870,683 by Wells et al discloses a method of alerting a user of an occasion, e.g. a holiday, in a phone having an idle mode screen displaying function
- U.S. Patent No. 6,363,259 by Larsen discloses displaying an image in an idle mode state and changing the image when an incoming call comes in
- U.S. Patent No. 6,606,508 by Becket et al discloses a method of alerting a user of an incoming caller by a distinctive ring tone
- U.S. Patent Application Publication No. 2003/0153337 by Ito discloses displaying a stored image for an incoming caller

10. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2645

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh
January 8, 2006


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